

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
SOUTHERN DIVISION

RAY COX,)	
as the personal representative)	
of the estate of James Hinson,)	
)	
Plaintiff)	
)	
v.)	CASE NO. 1:23-cv-00057-SMD
)	
JASON SMOAK, et al.,)	
)	
Defendants)	

**PLAINTIFF’S RESPONSE TO DEFENDANTS’
PARTIAL MOTION TO DISMISS**

The complaint specifically states that it is based on conduct beginning January 21, 2023. [Doc. 1 / ¶¶ 17, 28, 30] January 21, 2023, however, is a Saturday. Under Fed. R. Civ. P. 6(1)(C), when the last day of a period is a Saturday, the period continues to run until the next business day, in this case Monday, January 23, 2023, the date on which plaintiff filed the complaint. Accordingly, defendant’s motion is due to be denied.

Respectfully submitted,

s/ Henry F. Sherrod III

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CERTIFICATE OF SERVICE

I hereby certify that on August 30, 2023, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to counsel of record.

s/ Henry F. (Hank) Sherrod III